

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MYRTIS PAULO HART,

Plaintiff,

v.

Civ. No. 21-1012 KG-SCY

TALIN MARKET WORLD FOOD FARE,

Defendant.


ORDER OF DISMISSAL

This matter is before the Court following Plaintiff's failure to prosecute this civil action. Plaintiff is incarcerated and proceeding *pro se*. He seeks damages against Talin Market World Food Fare following an alleged assault. (Doc. 1). By an Order entered December 16, 2021, the Court granted Plaintiff's motion to proceed *in forma pauperis*. (Doc. 8) (IFP Order). The IFP Order set a deadline of January 15, 2022 for Plaintiff to pay an initial partial filing fee of \$19.04. The initial fee is required by statute. *See* 28 U.S.C. § 1915(b)(1). The prisoner-plaintiff must pay "20 percent of the greater of ...[his] average monthly deposits ... or (B) the average monthly balance" for the six-month period immediately preceding this action. *Id.* The IFP Order warned that the failure to timely comply would result in dismissal without further notice.

Plaintiff failed to submit any filing fee or otherwise respond to the IFP Order. Hence, the Court will dismiss this case without prejudice pursuant to Fed. R. Civ. P. 41(b). That rule permits dismissal for "failure to prosecute [and] comply with the ... court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10<sup>th</sup> Cir. 2003). *See also Kouris v. Gurley*, 272 Fed. App'x 724, 726 (10<sup>th</sup> Cir. 2008) (affirming dismissal for failure to pay the initial filing fee).

IT IS ORDERED:

1. Plaintiff's Claim for Damage, Injury, or Death (Doc. 1) is dismissed without prejudice.
2. The Court will enter a separate judgment closing this civil case.

  
UNITED STATES DISTRICT JUDGE